THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.21295 of 2005

30.9.2005

Between:

G.Sreenivasulu, S/o.late G.Krishnappa Chetty, Kanipakam village & Post,

Irala Mandal, Chittoor District.

… Petitioner

AND

1. The District Collector, Chittoor District, Chittoor

and others

… Respondents

ORDER:

The petitioner along with his brother allegedly purchased an extent of about 233 Sq.yards of residential plot in Survey No.321/1 situated at Kanipakam village in Chittoor District. The petitioner is running a hotel, namely, Hotel Sri Ganesh Bhavan. It appears that the property was acquired by negotiations by paying a sum of Rs.1,50,000/-. The petitioner was, therefore, forced to shift his hotel to an asbestos sheets roof structure. The petitioner obtained electricity connection and running the hotel. He alleges that the fourth respondent constructed a park on the road in front of the petitioner's hotel and so as to cause loss to the petitioner, is trying to demolish the structures and deprive the petitioner the enjoyment of the property. Therefore, the present writ petition is filed seeking a direction to the respondents not to interfere with the possession/not to demolish the structures of the petitioner's hotel.

At the time of admission itself, the learned Assistant Government Pleader for Revenue (Assignment), after obtaining instructions in the matter, submits that the respondents 1 and 2 never interfered with the possession and the writ petition is filed on mere apprehension. The learned Standing Counsel for third respondent, Sri K.Upender Reddy, also submits that there is no such interference by the third respondent. Learned Standing Counsel for fourth respondent submits that the fourth respondent temple has obtained a decree against the petitioner in O.S.No.300 of 2003 on the file of the Court of Additional Junior Civil Judge, Chittoor and execution proceedings in E.P.No.38 of 2005 was initiated, and that apprehending attachment of the hotel, the petitioner filed the present writ petition. He also submits that the fourth respondent never interfered with the possession of the petitioner. He also submits that necessary requisition was sent for acquiring the land of the petitioner.

On appreciation of the submissions made by the learned Counsel for the petitioner, learned Assistant Government Pleader for Revenue (Assignment), learned Standing Counsel for third Respondent and learned Standing Counsel for fourth respondent, this Court is of considered opinion that the writ petition is filed on mere apprehension. Therefore, the writ petition is disposed of observing that unless and until the petitioner's property is acquired in accordance with law, the respondents are not entitled to take any action.

The writ petition, with the above observations and directions, is disposed of. No costs.

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(**V.V.S.RAO,J**)

September 30, 2005.

NOTE:

Issue order copy by

03.10.2005.

(B/o)

YS